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ANTONIENKO, DEBRA L				
ART UNIT		PAPER NUMBER		
3689				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail2@bakerbotts.com
PTOmail4@bakerbotts.com

Office Action Summary

Application No.

10/606,661

Applicant(s)

KANANGHINIS ET AL.

Examiner

DEBRA ANTONIENKO

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This is a Final Office Action in response to communications received September 25, 2008, wherein:

Claims 1, 3, 5-7, 9, 10, and 12 have been amended;

Claim 19 has been newly added; and

Claims 1-19 are pending.

Response to Amendment

2. Applicant's Replacement Sheets of the drawings are of sufficient quality to permit examination. The objections set forth in the previous Office Action are withdrawn.

3. Applicant's amendments to independent Claim 1 are sufficient to overcome the 35 USC §101 rejection. Therefore, the rejection to Claims 1-11 under 35 USC §101 set forth in the previous Office Action are withdrawn.

Terminal Disclaimer

4. The terminal disclaimer filed on September 25, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent Number 7,162,427 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buteau et al., U.S. Patent Number 6,442,557 B1 (hereinafter Buteau) in view of Ruffin et al., U.S. Patent Number 6,249,769 (hereinafter Ruffin) and further in view of Baudoin et al., U.S. Patent Number 7,290,275 B2 (hereinafter Baudoin).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Regarding Claim 1:

Buteau discloses a method of computer modeling integrated business and information technology frameworks and architecture in support of a business comprising:

identifying in a computer manageable entities of the business and the existing information technology supported by each manageable entity (column 1, line 58 – column 2, line 24; *focuses on the logical dependencies between an enterprise and its technologies...a wide variety of information about the current enterprise architecture must be collected and analyzed...answer a wide range of strategic questions about the current state...*; column 2, lines 53-63);

generating by the computer an overall architecture for the business, the overall architecture defining how the manageable entities relate to each other and to the existing information technology (column 2, lines 53-63; *entities of the work flow model, the information model and the technology model are linked defining relationships...*; column 5, lines 43-51);

implementing in the computer a common language in order to articulate the overall architecture (column 7, lines 19-34); and

generating by the computer a graphical representation of the overall architecture for the business according to the common language (column 7, lines 19-34; Figure 7);

generating by the computer a plan for implementation and deployment of future information technology among the manageable entities based on the determined information technology requirements for display by the computer within the graphical representation of the overall architecture (column 3, lines 57-67; column 5, lines 21-42; column 6, lines 6-39);

wherein the overall architecture contains a plurality of components, the plurality of components including a strategic plan (column 1, lines 58-67; column 11, line 59 – column 12, line 32; column 20, lines 62-66), a business architecture (column 2, lines 14-17), an information architecture (column 15, line 24 – column 17, line 37), an application architecture (column 21, line 49 – column 22, line 14), a technology infrastructure architecture (column 17, line 38 – column 22, line 62),..., and an enterprise IT management framework (column 6, lines 29-47).

Buteau does not explicitly disclose determining by the computer information technology requirements for the business in response to the existing information technology and the relationship among the manageable entities; and ...a security architecture.

However, Ruffin does disclose determining by the computer information technology requirements for the business in response to the existing information technology and the relationship among the manageable entities (Abstract; column 3, line 55 – column 4, line 64). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automation of determining what a business requires after first gathering the information about the present situation in order to provide an efficient solution to the analysis.

Furthermore, Baudoin discloses a security architecture (Abstract; Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the security architecture of Baudoin in order to protect the information and practices of an enterprise.

Regarding Claim 2:

Buteau further teaches wherein the overall architecture addresses people, processes, and technology of the business (column 1, lines 30-35).

Regarding Claim 3:

Buteau further teaches wherein the strategic plan component includes a business plan, a product plan, a financial plan, an organization plan, a marketing plan, and a future information technology plan in support of the aforementioned plans (column 1, lines 58-67; column 11, line 59 – column 12, line 32; column 20, lines 62-66).

Regarding Claim 4:

Buteau further teaches wherein the business architecture component defines current business direction, objectives, and supporting processes as well as future direction, objectives, and supporting processes (column 2, lines 14-17).

Regarding Claim 5:

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Buteau further teaches wherein the information architecture component provides information and data management precepts, an information-application software portfolio, and a geo-structural view of existing and future information technology deployment (column 15, line 24 – column 17, line 37).

Regarding Claim 6:

Buteau further teaches wherein the application architecture component defines an application software portfolio and integration relationships for the manageable entities of the business (column 21, line 49 – column 22, line 14).

Regarding Claim 7:

Buteau further teaches wherein the technology infrastructure architecture component enables access to information and, geo-structural layouts for the existing and future information technology (column 17, line 38 – column 22, line 62).

Regarding Claim 8:

Baudoin further teaches wherein the security architecture component describes how security measures fit into the overall architecture of the business to meet its security objectives (Abstract; Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a security architecture in order to protect the information and practices of an enterprise.

Regarding Claim 9:

Buteau further teaches wherein the enterprise information technology management framework component provides existing and future information technology services and products, management of the services, IT systems and network management, and the enterprise IT management organization capabilities, competencies, skills, and performance models (column 6, lines 29-47).

Regarding Claim 10:

Buteau further teaches further comprising: decomposing by the computer the manageable entities so that each manageable entity has a relative independence from other manageable entities but is in context with the overall enterprise architecture (column 5, lines 52-62).

Regarding Claim 11:

Buteau further teaches wherein the overall architecture provides the starting point for determining the context and foundation components and elements needed to build either a Strategic IT Plan, overall enterprise architecture, or enabling IT solutions for an enterprise (column 1, lines 16-22).

7. **Claims 12-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Buteau et al., U.S. Patent Number 6,442,557 B1 (hereinafter Buteau) in view of Baudoin et al., U.S. Patent Number 7,290,275 B2 (hereinafter Baudoin).

Regarding Claim 12:

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Buteau teaches a computer readable medium (column 4, lines 48-63) including code for modeling integrated business and information technology frameworks and architecture in support of a business, the code operable to:

receive data associated with manageable entities of the business and existing information technology supported by each manageable entity (column 1, line 58 – column 2, line 24; *focuses on the logical dependencies between an enterprise and its technologies...a wide variety of information about the current enterprise architecture must be collected and analyzed...answer a wide range of strategic questions about the current state...*; column 2, lines 53-63);

generate an overall architecture defining how manageable entities of a business relate to one another and to the existing information technology (column 2, lines 53-63; *entities of the work flow model, the information model and the technology model are linked defining relationships...*; column 5, lines 43-51), the overall architecture including:

a strategic business plan component providing context and guidance that drive definition of business functions, processes, systems, and organization (column 1, lines 58-67; column 11, line 59 – column 12, line 32; column 20, lines 62-66);

a business architecture component reflecting what the business does in the present as well as in the future to accomplish particular business requirements (column 2, lines 14-17);

an information architecture component representing what information is to be delivered to individuals across the business (column 15, line 24 – column 17, line 37);

an application architecture component supporting business process execution and information flow (column 21, line 49 – column 22, line 14);

a technology infrastructure architecture component supporting execution of activities and defining what information technology components are needed to enable access to information (column 17, line 38 – column 22, line 62);

an enterprise information technology management architecture component dealing with business and organizational management of providing information technology services and products as well as systems, network, and element management (column 6, lines 29-47);

generate a plan for implementation and deployment of future information technology among the manageable entities pursuant to the various components of the overall architecture in response to how the manageable entities relate and to the existing information technology (column 5, lines 21-42; column 6, lines 6-39).

Baudoin further teaches a security architecture component describing how security measures fit into the overall architecture of the business to meet its security objectives (Abstract; Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a security architecture in order to protect the information and practices of an enterprise.

Regarding Claim 13:

Baudoin further teaches wherein the security architecture component includes security and business continuity requirements (column 12, *Implications for business continuity plans...*; column 25, *Business Continuity Arrangements...*),

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an information security view (column 28, *Security of exchange of data...*; column 36, *Validation control while data input...*),

an application security view (column 29, *Business Requirements for Access Control...application access*),

a security infrastructure view (column 9, *Information Security Infrastructure...*), and

an information security administration/management/training view (column 10, *Information security education and training*; column 16, *User Training...*; column 26, *Procedures for reporting and recovery...*; column 30, *User Access Management...*).

Regarding Claim 14:

Baudoin further teaches wherein the information security view is responsible for supervision of data within the overall architecture of the business (column 28, *Security of exchange of data...*; column 36, *Validation control while data input...*).

Regarding Claim 15:

Baudoin further teaches wherein the application security view is responsible for the supervision of applications within the overall structure of the business (column 29, *Business Requirements for Access Control...application access*).

Regarding Claim 16:

Baudoin further teaches wherein the security infrastructure view is responsible for supervision of the infrastructure within the overall architecture of the business (column 9, *Information Security Infrastructure...*).

Regarding Claim 17:

Baudoin further teaches wherein the information security administration/management/training view is responsible for managing access and within the overall structure of the business (column 10, *Information security education and training*; column 16, *User Training...*; column 26, *Procedures for reporting and recovery...*; column 30, *User Access Management...*).

Regarding Claim 18:

Baudoin further teaches wherein the security and business continuity requirements provide inputs for implementing information security within the overall architecture of the business (column 12, *Implications for business continuity plans...*; column 25, *Business Continuity Arrangements...*).

Regarding Claim 19:

Buteau further teaches wherein the code is further operable to: graphically displaying the overall architecture of the business; graphically displaying how the future information technology is to be implemented and deployed within the overall architecture in response to the generated plan (column 3, lines 57-67; column 5, lines 21-42; column 6, lines 6-39).

Response to Arguments

7. Applicant's arguments filed September 25, 2008 with respect to the Bureau reference providing *no capability for a computer to determine information technology requirements for the business in response to the existing information technology and the relationship among the manageable entities*, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DEBRA ANTONIENKO** whose telephone number is

(571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
February 1, 2009